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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA; AND)
16 THE STATES OF CALIFORNIA,)
17 COLORADO, CONNECTICUT,)
18 DELAWARE, FLORIDA, GEORGIA,)
19 HAWAII, ILLINOIS, INDIANA,)
20 LOUISIANA, MARYLAND, MICHIGAN,)
21 MINNESOTA, NEVADA, NEW)
22 HAMPSHIRE, NEW JERSEY, NEW)
23 MEXICO, NEW YORK, NORTH)
24 CAROLINA, OKLAHOMA, RHODE)
25 ISLAND, TENNESSEE, TEXAS,)
26 WISCONSIN, THE COMMONWEALTHS)
27 OF MASSACHUSETTS AND VIRGINIA;)
28 and THE DISTRICT OF COLUMBIA;)
ex rel. BRIAN SHIELDS,)

Plaintiffs and Relator,

v.

GENENTECH, INC.;
OSI PHARMACEUTICALS, INC.;
and NOVARTIS PHARMACEUTICALS
CORPORATION

Defendants.

ORIGINAL
FILED
JUN 3 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. CV 11-0822 MEJ

UNITED STATES' REQUEST TO
UNSEAL; AND ~~PROPOSED~~ ORDER

(FILED UNDER SEAL)

1 1. Pursuant to 31 U.S.C. §§ 3730(b)(2) and (b)(4), the United States and Participating States
2 notified the Court of their decisions regarding intervention in part in this False Claims Act *qui tam*
3 action on March 31, 2016.

4 2. The parties have reached a settlement in principle and Defendants are set to sign the
5 Settlement Agreement on June 6, 2016, and pay June 8, 2016. Under the terms of the Settlement
6 Agreement, after receiving payment, the United States, the Plaintiff States and the Relator, Brian
7 Shields, will file a stipulation of dismissal of the action against OSI and Astellas and Genentech,
8 pursuant to the terms and conditions of the Settlement Agreement.

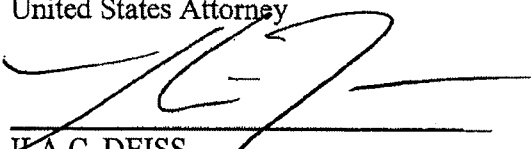
9 3. The United States now requests that the Court unseal: (1) Relator's Complaint; First
10 Amended Complaint; and Second Amended Complaint; (2) the summons; (3) the scheduling order; (4)
11 the United States' and Participating States' Notice of Election to Intervene in Part, and Decline in Part;
12 (5) this Request to Unseal, with (Proposed) Order; and (6) all other matters occurring in this action *after*
13 the date the Court enters the unsealing order. The United States requests that all other contents of the
14 Court's file in this matter (including, but not limited to, any applications filed by the United States and
15 States for extensions of the sixty-day investigative period, any applications for partial lifting of the seal,
16 and any orders previously entered in this matter) remain under seal and not be made public or served
17 upon defendants.

18 Respectfully submitted,

19 BRIAN J. STRETCH
20 United States Attorney

21 DATED: June 3, 2016

By:

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23 H.A.C. DEISS
24 Assistant United States Attorney
25 Attorneys for the United States of America

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1 [PROPOSED] ORDER OF UNSEALING

2 Upon consideration of the United States' Request to Unseal, the Court rules as follows.

3 IT IS ORDERED that:

- 4 1. The seal shall be lifted as to the (1) Relator's Complaint; First Amended Complaint; and
5 Second Amended Complaint; (2) the summons; (3) the scheduling order; (4) the United States' and
6 Participating States' Notice of Election to Intervene in Part, and Decline in Part; (5) this Request to
7 Unseal, with (Proposed) Order; and (6) all other matters occurring in this action *after* the date this Order.
8 2. All other previously filed contents of the Court's file in this action shall remain under seal
9 and not be made public or served upon the defendants.

10 IT IS SO ORDERED.

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12 DATED: 6/3/2016

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HONORABLE MARIA ELENA JAMES
United States Magistrate Court Judge